

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:13-cv-00159-FDW-DCK

JEFFERY RANDOLPH WATTERSON and )  
RANDOLPH ALEXANDER WATTERSON, )

Plaintiff, )

vs. )

WOODY BURGESS, JASON GREEN, )  
FRANKIE DELLINGER, JENNIFER HOYLE, )  
DAVID HODKINS, BOB AUSTELL, MIKE )  
ALLRED, DAVID HODKINS, CITY OF )  
CHERRYVILLE, BEN BLACKBURN, )  
SELECTIVE INS. OF S.C., CHERRYVILLE )  
CITY POLICE DEPARTMENT AND )  
CHERRYVILLE UTILITIES DEPT., )

Defendants. )

ORDER

THIS MATTER is before the Court *sua sponte* as to the status of this case following the Notice from the Fourth Circuit Court of Appeals (Doc. No. 254). At least thirteen motions sit currently pending before the Court, including written motions for judgment as a matter of law filed by Defendants, as well as several motions filed pro se by Plaintiff Randolph Watterson. Plaintiff Randolph Watterson has also filed some administration motions, including a Motion for Transcripts at government expense (Doc. No. 228), a Motion for Extension of Time (Doc. No. 247), and a “Motion to Compel All Defendants to Provide Plaintiff With Copies of Documents Filed With This Court” (Doc. No. 250).

As to the status of the pending motions, Plaintiffs have not responded to several of Defendants’ written motions. Most recently, Plaintiff Randolph Watterson filed two motions indicating that his transfer within the state prison system resulted in him not being served with

several of the pending motions (see Docs. Nos. 247, 250). Without expressing any opinion as to the merits of the accusations in the motions, the Court hereby GRANTS that portion of Plaintiff's motions to provide him copies of documents filed with this Court and requesting an extension of time to respond to the pending motions. The Court DENIES in part that portion of Plaintiff's motions seeking sanctions or other relief. The Court respectfully DIRECTS the Clerk of Court to transmit to Plaintiff Randolph Watterson, with a copy of this Order, a copy of all pending motions filed by any Defendant, all of which are identified below.

In light of this ruling, Plaintiff Randolph Watterson shall have until Friday, June 16, 2017, to respond to all pending motions being transmitted with this Order. The Court finds this to be sufficient time, particularly where the motions for judgment as a matter of law contain arguments also discussed before the Court during trial. Defendants shall submit any replies no later than seven (7) days following service of Plaintiff's response.

Also, as to Plaintiff Randolph Watterson's motion for transcripts (Doc. No. 228), the Court finds that Plaintiff's motion is not supported by argument or law. His indigent status is insufficient, without more, to justify granting the motion. The Court therefore DENIES this motion without prejudice to be re-raised, if appropriate, on appeal.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Transcripts (Doc. No. 228) is DENIED; Plaintiff's Motion for Extension of Time (Doc. No. 247) is GRANTED IN PART AND DENIED IN PART; and Plaintiff's Motion to Compel (Doc. No. 250) is GRANTED IN PART AND DENIED IN PART.


IT IS FURTHER ORDERED that the Clerk of Court respectfully DIRECTED to transmit to Plaintiff Randolph Watterson, with a copy of this Order, a copy of all pending motions filed by

any Defendant, to include: Docs. Nos. 223, 227, 229, 230, 231, 236, 237, 238, 240.<sup>1</sup> Plaintiff Randolph Watterson shall have until Friday, June 16, 2017, to respond to all pending motions. Defendants shall have seven (7) days to file any reply. Defendants shall take notice and properly serve Plaintiff at his new address of record (see Doc. No. 246).

IT IS FURTHER ORDERED that the Clerk's Office shall also send a copy of this Order to the Clerk of Court for the Fourth Circuit Court of Appeals, Attn: Anisha Walker, 1100 East Main Street, Suite 501, Richmond, Virginia 23219, to provide an update in their case No. 17-6332. The Court notes that once the briefing schedule set forth herein concludes, the Court will promptly resolve the pending motions.

IT IS SO ORDERED.

Signed: May 24, 2017

  
Frank D. Whitney  
Chief United States District Judge



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<sup>1</sup> The Court notes that the record makes clear Plaintiff Randolph Watterson has received copies of some documents related to pending motions, as he has filed a responsive pleading to a few of the documents. Therefore the Clerk's office need not serve Doc. No. 249 (see Doc. No. 253). The Court is, however, directing service of responsive pleadings filed by Defendants where the certificate of service indicates Plaintiff Randolph Watterson's prior address.